

REMARKS

In paragraph 1 of the office action, the Examiner objected to the oath or declaration because "it fails to identify at least one error which is relied upon to support the reissue application." The applicant submits herewith a new reissue declaration.

In paragraph 2 of the office action, the Examiner rejected claims 1-15 as being based on a defective declaration. The applicant respectfully submits that the basis for this rejection has been removed with the submission of a new reissue declaration.

In paragraphs 3 and 4 of the office action, the Examiner rejected claim 15 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner stated that the specification does not describe "thereby reducing changes in the angle between the orientation of the subject and the inclination of the support surface on which the subject's second leg rests." The applicant believes that U.S. Patent No. 4,738,269, which is incorporated in the present application by reference, provides the support for this phrase. However, the applicant has removed the phrase from the claim as it is not necessary for patentability.

In paragraphs 5 and 6 of the office action, the Examiner rejected claims 10-14 under the judicially created doctrine of obviousness-type double patenting. Claims 10-14 have been cancelled without prejudice and are submitted for allowance in the continuation application bearing attorney docket 469/134.

In paragraph 7 of the office action, the Examiner indicated that claims 1-9 remain allowable over the record of art.

CONCLUSION

Attached hereto is a marked up version of the changes made to the claims by the current response. The attached page is captioned "**VERSIONS WITH MARKING TO SHOW CHANGES MADE.**"

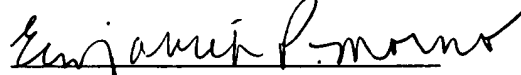
The applicant believes that no fees are due at this time. If any fees are required for the timely consideration of this application, please charge deposit account number 19-4972. All the claim rejections have been addressed and all of the pending claims are allowable for the reasons

Application No. 09/145,255

Reply under 37 CFR 1.116 - Expedited Procedure - Technology Center 3736

stated and others. Reconsideration of the application and issuance of a notice of allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth P. Morano", written over a horizontal line.

Elizabeth P. Morano

Registration No. 42,904

BROMBERG & SUNSTEIN LLP

125 Summer Street

Boston, MA 02110-1618

Tel: 617 443-9292

Fax: 617 443-0004

00469/00129 225715.1

VERSIONS WITH MARKING TO SHOW CHANGES MADE

Claims 1-9 and 15 remain pending in the application.

In the specification:

In column 1, the paragraph starting on line 4 has been amended as follows:

This application is a reissue application of U.S. Patent No. 5,551,445 which in turn is a divisional of Ser. No. 749,045, filed Aug. 22, 1991, now issued as U.S. Pat. No. 5,269,318, which is a divisional of Ser. No. 007,294, filed Jan. 27, 1987, now issued as U.S. Pat. No. 5,052,406, which is a continuation-in-part of Ser. No. 873,125, filed Jun. 11, 1986, for an invention of Lewis M. Nashner now issued as U.S. Pat. No. 4,738,269, which is in turn a continuation-in-part of Ser. No. 408,184, filed Aug. 16, 1982, now abandoned, for an invention of Lewis M. Nashner. This patent is also the parent of co-pending continuation application bearing attorney docket 469/134 filed on December 9, 2002. [These] All of the above referenced applications are incorporated herein, each in its entirety, by reference.

In the claims:

Claim 15 has been amended as follows:

- 15 (once amended) A method for assessing a subject's ability to utilize support surface inputs from one of the subject's first and second supporting legs, such method comprising:
- A. providing two support surfaces, and standing the subject on the support surfaces so that each of the two support surfaces has only one leg resting thereon;
 - B. fixing the support surface on which the first leg rests, so that it does not move;
 - C. configuring the support surface on which the subject's second leg rests to permit rotation of the subject's foot associated with the second leg as the subject sways[thereby reducing changes in the angle between the orientation of the subject and the inclination of the support surface on which the subject's second leg rests]; and
 - D. measuring the subject's ability to maintain an equilibrium position.